

# 2008

## Annual Report

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MISSOURI VEHICLE STOPS

### Executive summary

**On the Web:**

The entire  
Annual Report  
can be found  
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General's  
Office Web site:  
**[ago.mo.gov](http://ago.mo.gov)**



Missouri Attorney General

**CHRIS KOSTER**



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## I. BACKGROUND

Concerns by the citizens of Missouri and the Missouri legislature regarding allegations of racial profiling by law enforcement prompted the passage of state law Section 590.650, RSMo (2000), which was enacted Aug. 28, 2000. Racial profiling has been defined as the inappropriate use of race by law enforcement when making a decision to stop, search or arrest a motorist.

Missouri's state law requires that all peace officers in the state report specific information including a driver's race for each vehicle stop made in the state. Law enforcement agencies are required to provide the data to the Attorney General, and the Attorney General is required to compile the data and report to

the Governor no later than June 1 of each year. The law allows the Governor to withhold state funds for any agency that does not comply with the law. State law requires that all information be reported to the Attorney General's Office by March 1.

The summary of statewide racial profiling data has been provided by Scott H. Decker, professor and director of the School of Criminology and Criminal Justice at Arizona State University; Richard Rosenfeld, professor in the Department of Criminology and Criminal Justice at the University of Missouri-St. Louis; and Jeffrey Rojek, assistant professor in the Department of Criminology and Criminal Justice at the University of South Carolina.



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Table 1. **2008 statewide summary of results**

Key indicators	Total	White	Black	Hispanic	Asian	Am. Indian	Other
Population	4,676,322	3,917,100	503,115	106,318	72,334	22,925	54,530
Stops	1,633,610	1,294,198	278,923	35,169	13,097	1,531	10,692
Searches	128,652	90,250	32,376	4,945	427	135	519
Arrests	92,945	65,201	23,520	3,478	297	101	348
State population %	100%	83.76%	10.76%	2.27%	1.55%	.49%	1.12%
Disparity index	—	.95	1.59	.95	.52	.18	.56
Search rate	7.88	6.97	11.61	14.06	3.26	8.82	4.85
Contraband hit rate	19.09	20.35	16.57	13.45	13.56	21.48	14.07
Arrest rate	5.69	5.04	8.43	9.89	2.27	6.60	3.25

**Notes:** Population figures are 2008 census estimates for persons 16 and older who designated a single race. Hispanics may be of any race. Other includes persons of mixed race and unknown race.

**Disparity index** = (proportion of stops / proportion of population). A value of 1 represents no disparity; values greater than 1 indicate over-representation; values less than 1 indicate under-representation.

**Search rate** = (searches / stops) x 100.

**Contraband hit rate** = (searches with contraband found / total searches) x 100.

**Arrest rate** = (arrests / stops) x 100.

## II. STATEWIDE FINDINGS

**This report** summarizes the data from 639 law enforcement agencies in Missouri for 2008. An additional 65 agencies indicated they made no vehicle stops during the year. This represents 98.5 percent of the 715 law enforcement agencies in the state.

The agencies filing reports recorded a total of 1,633,610 vehicle stops, resulting in 128,652 searches and 92,945 arrests. Table 1 breaks out the stops, searches and arrests by race and ethnic group.<sup>1</sup>

The population totals in the table are census

estimates for 2008 compiled by Geolytics Inc. In reports for years prior to 2005, the population totals were from the 2000 census. The estimated totals are used in this report to reflect population change in Missouri since 2000. “These estimates,” according to the U.S. Census Bureau, “are used in federal funding allocations, **as denominators for vital rates** and per capita time series, as survey controls, and in monitoring recent demographic changes” (emphasis added; see [www.census.gov/popest/estimates.php](http://www.census.gov/popest/estimates.php)).<sup>2</sup>

<sup>1</sup> Hispanics may be of any race. About 1 percent of the population designated two or more races. These persons are included in the “other” category along with persons of unknown race.

<sup>2</sup> For detailed descriptions of the methodology used in forming the population estimates, see [www.census.gov/popest/estimates.php](http://www.census.gov/popest/estimates.php) and [www.geolytics.com/USCensus,Estimates-Projections,Data,Methodology,Products.asp](http://www.geolytics.com/USCensus,Estimates-Projections,Data,Methodology,Products.asp).



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**Four summary indicators** are included in Table 1 that may be useful in initiating further assessments of racial profiling in vehicle stops. The first, termed the “disparity index,” relates each group’s proportion of total vehicle stops to its proportion of the driving-age population 16 and older.

A value of 1 on this index indicates that a group’s proportion of vehicle stops equals its population proportion: it is neither “under-represented” nor “over-represented” in vehicle stops. Values above 1 indicate over-representation, and those below 1 indicate under-representation. For example, the 1,294,198 whites who were stopped accounted for 79.2 percent of all vehicle stops in 2008.

Whites comprise an estimated 83.8 percent of Missouri’s driving age population. The value for whites on the disparity index is, therefore, .95 (.79223/.83765). Whites were stopped, in other words, at slightly below the rate expected based on their fraction of the estimated population age 16 and older.

The same is not the case for several of the other groups. African-Americans represent 10.8 percent of the population 16 and older but 17.1 percent of all vehicle stops, for a value on the disparity index of 1.59.

African-Americans were stopped at a rate 59 percent greater than expected based solely on their proportion of the population 16 and older.

Hispanics were stopped at a rate slightly below their population proportion, and Asians, American Indians, and persons of mixed or unknown race were stopped at a rate well below their proportion of the driving-age population.

The values on the disparity index for the groups can be compared directly to one another. For example, the likelihood that an African-American motorist was stopped is 1.67 times that of a white motorist (1.59/.95). In other words, African-Americans were 67 percent more likely than whites to be stopped in 2008.

**The disparity index** is a gauge of the likelihood drivers of a given race or ethnic group are stopped based on their proportion of the residential population 16 and older, and not on the population of motorists on the state’s streets, roads and highways.

A group’s share of the residential population 16 and older may or may not equal its proportion of drivers. Although in most instances the two proportions should be close, that may not always be the case.

The extremely low index values for American Indians, for example, could indicate that they are under-represented among the state’s motorists. In addition, motorists from other states are stopped on Missouri’s roadways. To the extent that out-of-state drivers do not reflect the race and ethnic composition of Missouri’s population, the disparity index will not accurately portray the probability that Missouri residents are stopped.

**The second indicator** that can be used to assess racial profiling is the “search rate,” or the number of searches divided by the number of stops ( $\times 100$ ). (Searches include searches of drivers or property in the vehicle.)

The search rate for all motorists who were stopped is 7.9 percent. Asians were searched at a rate well below the statewide average, and African-Americans, Hispanics and American Indians were searched at rates above the average for all motorists who were stopped.

The search rates for the groups also can be compared directly with one another. African-Americans were 1.67 times more likely to be searched than whites (11.61/6.97). Hispanics were 2.02 times more likely than whites to be searched (14.06/6.97).

The reasons for conducting a search and the outcome of the search (such as finding contraband) should be considered when making comparisons across groups.

Some searches are conducted with the consent of the driver, or because the officer observed suspected contraband in plain view, had reasonable suspicion that an individual may possess a weapon (Terry search), or other reasons. These searches may or may not result in an arrest.

Other searches are conducted incident to arrest, which means there is no other reason given for the search other than arrest. Searches are almost always performed when there is an outstanding arrest warrant, whether or not contraband may be present.



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**The third summary indicator**, the “contraband hit rate,” reflects the percentage of searches in which contraband is found. Contraband was found in 19.1 percent of all searches conducted in 2008. However, there is considerable variation in the contraband hit rate across race and ethnic groups.

The contraband hit rate for whites was 20.4 percent, compared with 16.6 percent for African-Americans and 13.5 percent for Hispanics. This means that on average searches of African-Americans and Hispanics are less likely than searches of whites to produce contraband.

The “arrest rate” is the **fourth summary indicator** included in Table 1 that may be useful for assessing racial profiling. Just under 6 percent of all vehicle stops resulted in an arrest (92,945/1,633,610). The probability of arrest varies across the race and ethnic groups.

Just over 8 percent of the stops of African-Americans and nearly 10 percent of the stops of Hispanics resulted in arrest, compared with about 5 percent of the stops of whites.

There are three appendixes to this year’s full report. Appendix A presents the vehicle stop analysis using the statewide proportions of race and ethnicity, rather than those for each jurisdiction.

This year’s report compares the 2008 disparity

index to the disparity indexes for 2000 through 2007.<sup>3</sup> These comparisons are presented in Appendix B.

For each agency, the disparity index for each race-ethnic group is presented for 2000-2007. For the state as a whole, the key indicators show very small changes between 2007 and 2008. The disparity index is generally stable across the two years, with a small decrease for Hispanics.

The search rate (the percentage of stops in which a search is conducted) decreased slightly for African-Americans and Hispanics and exhibited a somewhat greater decline for American Indians. The arrest rate for African-Americans dropped slightly (from 9.08 percent to 8.43 percent) and somewhat more for Hispanics (from 11.01 percent to 9.89 percent) between 2007 and 2008.

The third appendix included with this year’s report, Appendix C, presents the key indicators using the 2000 census figures for each jurisdiction’s race and ethnic populations.

A reasoned determination of the existence of racial profiling in a community requires a comprehensive evaluation of the full range of information compiled in the agency reports. This brief summary of selected indicators for the state as a whole is intended to stimulate those local evaluations and dialogue.

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<sup>3</sup> Caution should be used when comparing 2000 to subsequent years, especially for smaller agencies, because the 2000 figures are based on only four months of traffic data, while those for subsequent years are based on the full calendar year.



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**Table 2. Agencies that did not submit reports as required by state law**

Bland Police Dept.	Canalou Police Dept.	East Lynne Police Dept.	Howardville Police Dept.
Iron Mountain Lake Police Dept.	Lilbourn Police Dept.	Mayview Police Dept.	Olympian Village Police Dept.
Rockaway Beach Police Dept.	Shelbina Police Dept.	Walker Police Dept.	

**Table 3. Agencies that submitted incomplete reports**

Ralls County Sheriff's Dept.			
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**Table 4. Agencies that reported no stops** (many contract out vehicle stops to other agencies)

Altenburg Police Dept.	Anniston Police Dept.	Arcadia Police Dept.	Atlanta Police Dept.
Augusta Police Dept.	Buchanan County Drug Strike Force	Bull Creek Village Police Dept.	Bunceton Police Dept.
Calhoun Police Dept.	Chamois Police Dept.	Clarkson Valley Police Dept.	Cowgill Police Dept.
DeWitt Police Dept.	Dudley Police Dept.	Edgar Springs Police Dept.	Eolia Police Dept.
Essex Police Dept.	Fairview Police Dept.	Frankford Police Dept.	Gainesville Police Dept.
Gilman City Police Dept.	Glen Echo Park Police Dept.	Glenwood Police Dept.	Golden City Police Dept.
Grant City Police Dept.	Gravois Mills Police Dept.	Holland Police Dept.	Homestead Village Police Dept.
Houston Lake Police Dept.	Irondale Police Dept.	Keytesville Police Dept.	LaBelle Police Dept.
Ladsonia Police Dept.	Lake Annette Police Dept.	Lake Timberline Police Dept.	Latour Police Dept.
Leasburg Police Dept.	Meramec College Police Dept.	Missouri Southern State University Police Dept.	Mokane Police Dept.
Neelyville Police Dept.	Novinger Police Dept.	Oakland Police Dept.	Oronogo Police Dept.
Pasadena Park Police Dept.	Prairie Home Police Dept.	Revere Police Dept.	Schuyler County Sheriff's Dept.
Shelbyville Police Dept.	Sheldon Police Dept.	Silex Police Dept.	St. Charles Community College Police Dept.
St. Louis Community College at Forest Park Police Dept.	Stanberry Police Dept.	Stockton Police Dept.	Tallapoosa Police Dept.
Union Pacific Railroad Police Dept. — St. Louis	Union Star Police Dept.	Urich Police Dept.	Vinita Terrace Police Dept.
Westwood Police Dept.	Winchester Police Dept.	Windsor Police Dept.	Wood Heights Police Dept.
Wyatt Police Dept.			



### III. ANALYSIS BY ATTORNEY GENERAL CHRIS KOSTER

**This report** represents the ninth annual analysis of vehicle stop data in Missouri, a review that includes information about more than 1.6 million stops by law enforcement in the state during 2008. The report can be compared to data going back to 2000 on the Attorney General's Web site at [ago.mo.gov](http://ago.mo.gov).

The analysis in 2008, as well as in 2005, 2006 and 2007, used census estimates to reflect the changes in Missouri's population since the 2000 census. That census was the benchmark for the previous five reports.

As our state's population changes in number and demographics, these census estimates can help provide a more accurate benchmark to analyze the data. (Appendix C of this report provides key indicators by each agency using the 2000 census information.)

**The overall number** of stops reported increased in 2008, after experiencing a decrease in 2007. As it has in the past, the disparity index for African-American drivers continues to be of significant concern. The disparity index for African-American drivers slightly increased from 1.58 in 2007 to 1.59 in 2008. At the same time, the disparity index for Hispanic drivers decreased from 1.0 in 2007 to .95 in 2008. Both groups continue to have search rates significantly higher than that of white drivers.

These findings continue a disturbing trend for African-American drivers in Missouri. Specifically, the disparity indexes for African-American drivers have increased in each of the last four years, exhibiting disparity indexes of 1.42 in 2005, 1.49 in 2006, 1.58 in 2007 and 1.59 in 2008.

With 639 law enforcement agencies conducting vehicle stops in Missouri, there is no single explanation why these disparities exist. This report provides statistical information so the data from each agency can be examined, and appropriate questions asked of those agencies.

**In 2004**, state law was changed to require law enforcement to include investigative vehicle stops in their reports, in addition to the stops for traffic violations.

One of the best uses of these reports is as a springboard for dialogue and communication between law enforcement agencies and the communities they serve. It is vital that Missouri law enforcement agencies continue to review the rates of stops and searches and to continue their outreach efforts.

Statistical disproportion does not prove that law enforcement officers are making vehicle stops based on the perceived race or ethnicity of the driver. The compilation and analysis of data, however, does provide both law enforcement and the community with a starting point for dialogue to appreciate each other's perspective and arrive at common ground.

**I am proud** that Missouri took a leading role, under the stewardship of then-Attorney General Nixon, Governor Carnahan and many in the legislature, in passing legislation requiring the collection and examination of vehicle stop data on this scale. I pledge to continue that tradition in carrying on the detailed and critical examination necessary to ensure fairness to Missouri's law enforcement application. It is my hope that this report may serve as a springboard to open dialogue and legislative review.

We continue to show that commitment through laws that require each law enforcement agency to not only have a written policy regarding racial profiling, but also to provide additional training to officers and to promote the use of effective, non-combative methods for carrying out their duties in a racially and culturally diverse environment.

Missouri's law enforcement members continue to do commendable work in the face of many challenges. I appreciate their efforts and willingness to compile the information for these annual reports.

The number of agencies that did not comply with the vehicle stops reporting law in 2008 continued to be relatively low at 11. This represents an improvement from 2007 when 22 departments failed to report. Nonetheless, failure to report is unacceptable and should be considered so by the General Assembly. A list of these agencies has been turned over to the Governor for imposition of the statutory sanctions.

Along with the data, several individual law enforcement agencies provided other information about factors that may impact their numbers. The reader should consider these factors when examining the data.

**Law-abiding drivers** have the right to travel throughout Missouri without the fear that they will be stopped based solely on their race or ethnicity. I am confident that Missourians of all races and ethnic groups and law enforcement officers from throughout the state agree with me.

<sup>4</sup> This executive summary relies upon and updates materials prepared for the 2007 Annual Report published under the administration of Attorney General Jay Nixon.



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